
TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

**Administrative Rules Oversight Committee Notice
One Year Requirement ([IC 4-22-2-25](#))
LSA Document #10-195**

December 2, 2010

Senator R. Michael Young, Chairperson
Administrative Rules Oversight Committee
c/o Indiana Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
ATTN: Sarah Burkman

Re: LSA Document #10-195-Healthy Indiana Plan Rule Amendments

Dear Senator Young:

On behalf of the Family and Social Services Administration, Office of Medicaid Policy and Planning (OMPP), I am submitting this memo to the Administrative Rules Oversight Committee in compliance with [IC 4-22-2-25](#), because the agency has determined that the promulgation of the captioned rule may not be completed within one year after publication of the Notice of Intent to Adopt a Rule (April 14, 2011).

The agency published its Notice of Intent to Adopt a Rule for the captioned document on April 14, 2010 (DIN: [20100414-IR-405100195NIA](#)). This rule amends sections of [405 IAC 9](#) to update and clarify the rule, since this program first started, and to make technical corrections. The agency has several steps it must take before this rule can be fully promulgated, such as receiving approval from the State Budget Agency to publish the proposed rule, publishing the proposed rule, conducting a public hearing, and publishing the final rule.

In addition to the circumstances mentioned above, any rule adopted by the agency must be approved by the Family and Social Services Committee (see [IC 12-8-3](#)), a committee that meets only once per month. It is possible a monthly meeting could occur without a quorum and, therefore, without any action being taken on an adopted rule. This would mean delayed approval until the next monthly meeting of the Committee and presence of a quorum. Following approval by the FSSA Committee, the rule must be submitted to the Attorney General's office. Pursuant to [IC 4-22-2-32](#), the Attorney General has forty-five days to complete his review of a rule. Whether a quorum is present at a monthly meeting of the FSSA Committee and the Attorney General's time frame for rule review are outside of the agency's control. For these reasons, it may not be possible for the rule to be approved by the Governor within one year of the date of publication of the notice of intent. The agency expects that the rule can be approved by the Governor by no later than December 1, 2011.

This notice setting forth the expected date of approval of LSA *[Document]* #10-195 as December 1, 2011, is being submitted in a timely manner. December 20, 2010, is the two hundred fiftieth day after publication of the Notice of Intent to Adopt a Rule.

Sincerely,

Joy A. Heim
Staff Attorney
Family and Social Services Administration

cc: Steve Barnes, Indiana Register, Legislative Services Agency
Michael Carter, General Counsel, FSSA
Patricia Casanova, Director, Office of Medicaid Policy and Planning

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